

Grinder pump owners in Chelmsford are not being afforded due process. A recent decision of the Town's Grinder Pump Maintenance Program charged a local homeowner for the cost of a grinder pump repair in violation of the Town by-law which requires the Town to provide the repair when the failure of the pump is not attributable to the negligence of the homeowner.

A grinder pump is a sewage pump and during power outages the pump stops. This means no water usage and no flushing toilets.

According to the grinder pump repair report the homeowner had operated the grinder pump during a power outage with a generator set to an incorrect voltage. A homeowner is responsible for damage to the grinder pump if he had set his generator to an incorrect voltage. The homeowner presented evidence to the Town that his generator had only one voltage setting making it impossible to set it to an incorrect voltage. The homeowner also reported that the technician had not even looked at the generator while he was on site repairing the grinder pump. The homeowner requested that the technician be invited to the appeal meeting before the Department of Public Works so that he could either correct or defend his repair report. The Town denied the homeowner's request.

I find the Town's actions in this case to be arbitrary and unreasonable. We need changes to the process of appealing a charge of abuse or misuse of a grinder pump that afford the homeowner basic due process rights allowing him to present a defense. Due process refers to government's fundamental obligation to provide for fair procedures before penalties may be assessed and, in this example, the Town of Chelmsford failed in this obligation.

Sincerely,

SFA, Inc. Board of Directors
David Foley, President

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